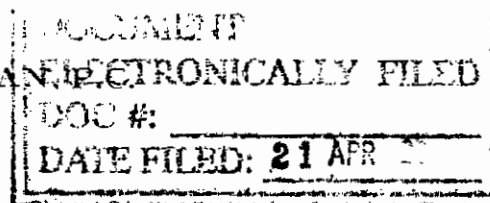


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Honorable Laura Taylor Swain, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Centre Street, Room 1205  
New York, NY 10007-1581

**MEMO ENDORSED**

Re: SEC v. Amerindo Investment Advisors, Inc., et al.,  
05-CV-5231 (LTS) (S.D.N.Y.)

Dear Judge Swain:

I am writing in response to the April 21, 2011 letter to Your Honor from Mark Salzberg of the SEC regarding the above-captioned matter. While I do not represent a party in the pending action, I do represent Paul Marcus, one of the principal shareholders in Amerindo Technology Growth Fund, Inc., and thus, one of the principal victims of the fraud of which Messrs. Vilar and Tanaka have been convicted. In that capacity, Your Honor has previously granted me the right to participate in pre-trial conferences held before you in the SEC case, and I have done so along with Mr. Marcus.

In his April 21 letter, Mr. Salzberg asks that the conference now scheduled for April 29 be rescheduled to mid-June. As grounds for that request, he refers to the need to reach a "global" settlement with Messrs. Vilar and Tanaka, as well as the need to resolve certain petitions to adjudicate their rights and interests that were filed by Amerindo investors. I certainly agree that these issues are important, and I do not want to waste everyone's time by having the Court hold a conference at which nothing can be accomplished. However, I am writing to express the frustration felt by my client at the continued delays. As Your Honor may recall, Mr. Marcus was present at the December 10, 2010 conference, and he stated to Your Honor that he was 80 years old, and that he hoped that recovery could be had sooner rather than later.

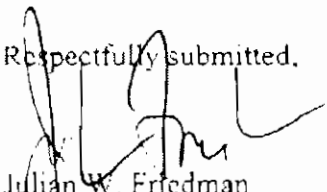
Therefore, I would respectfully request that the Court hold the April 29 conference (or reschedule for a date much sooner than June 15) in order to receive an in-person

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report from counsel for all concerned regarding the status of the discussions with Messrs. Vilar and Tanaka, and the status of the attempts to resolve the investors' petitions. While I firmly believe that everyone concerned is proceeding in good faith, it seems to me that Your Honor's personal attention may cause results to be achieved more quickly than would otherwise be so. For if nothing can be done until a settlement is reached with Mr. Vilar and Mr. Tanaka, their continued delays will give them the right to deny payment to individuals who have already suffered as a result of their conduct. To minimize this likelihood, I respectfully request that the Court bring its considerable influence to bear on everyone concerned in order to achieve justice as quickly as possible.

Respectfully submitted,

  
Julian W. Friedman

JWF:cn

cc: Mark D. Salzberg, Esq.  
Gary Alan Tanaka  
Victoria B. Eiger, Esq.  
Robert Leinwand, Esq.  
Sharon Levin, Esq.

The conference has been  
rescheduled to  
June 15, 2011, at  
2:00 pm.

SO ORDERED.

NEW YORK, NY

April 21, 2011

  
LAURA TAYLOR SWAIN

UNITED STATES DISTRICT JUDGE